

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MARCH 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 566

Introduced by Assembly Member Galgiani

February 16, 2011

An act to amend Sections 2711 and 2761 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 566, as amended, Galgiani. Resources: surface mining.

The Surface Mining and Reclamation Act of 1975 prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency. The act makes certain findings and declarations regarding surface mining, including the finding that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society.

This bill would include additional legislative findings, including, among other things, that the state's mineral resources are vital, finite, and important natural resources and the responsible protection and development of these mineral resources is vital to a sustainable California.

The act requires, after the completion of each decennial census, at a minimum, the Office of Planning and Research to identify certain areas of the state, including areas that are standard metropolitan areas. The act also requires the State Geologist to classify, based on certain factors,

the areas identified by the office, any area for which classification has been requested by a petition that has been accepted by the State Mining and Geology Board, or other areas as specified by the board, as, among other things, an area that contains mineral deposits and is of regional or statewide significance.

This bill would require the board to transmit mineral resource information on the classified areas described above, or on other designated areas, to a lead agency or a metropolitan planning organization within 30 days of receiving a request for the information.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2711 of the Public Resources Code is
2 amended to read:

3 2711. (a) The Legislature hereby finds and declares that the
4 extraction of minerals is essential to the continued economic
5 well-being of the state and to the needs of the society, and that the
6 reclamation of mined lands is necessary to prevent or minimize
7 adverse effects on the environment and to protect the public health
8 and safety.

9 (b) The Legislature further finds that the reclamation of mined
10 lands as provided in this chapter will permit the continued mining
11 of minerals and will provide for the protection and subsequent
12 beneficial use of the mined and reclaimed land.

13 (c) The Legislature further finds that surface mining takes place
14 in diverse areas where the geologic, topographic, climatic,
15 biological, and social conditions are significantly different and
16 that reclamation operations and the specifications therefor may
17 vary accordingly.

18 (d) The Legislature further finds that the production and
19 development of *local* mineral resources that help maintain a strong
20 economy and that are necessary to build the state's infrastructure
21 are vital to reducing transportation emissions that result from the
22 distribution of hundreds of millions of tons of construction
23 aggregates that are used annually in building and maintaining the
24 state.

25 (e) The Legislature further finds and recognizes the need of the
26 state to provide local governments, metropolitan planning

1 organizations, and other relevant planning agencies with the
2 information necessary to identify and protect mineral resources
3 within general plans.

4 (f) The Legislature further finds that the state's mineral resources
5 are vital, finite, and important natural resources and the responsible
6 protection and development of these mineral resources is vital to
7 a sustainable California.

8 SEC. 2. Section 2761 of the Public Resources Code is amended
9 to read:

10 2761. (a) On or before January 1, 1977, and, at a minimum,
11 after the completion of each decennial census, the Office of
12 Planning and Research shall identify portions of the following
13 areas within the state that are urbanized or are subject to urban
14 expansion or other irreversible land uses that would preclude
15 mineral extraction:

16 (1) Standard metropolitan statistical areas and other areas for
17 which information is readily available.

18 (2) Other areas as may be requested by the board.

19 (b) In accordance with a time schedule, and based upon
20 guidelines adopted by the board, the State Geologist shall classify,
21 on the basis solely of geologic factors, and without regard to
22 existing land use and land ownership, the areas identified by the
23 Office of Planning and Research, any area for which classification
24 has been requested by a petition that has been accepted by the
25 board, or any other areas as may be specified by the board, as one
26 of the following:

27 (1) An area that contains mineral deposits and is not of regional
28 or statewide significance.

29 (2) An area that contains mineral deposits and is of regional or
30 statewide significance.

31 (3) An area that contains mineral deposits, the significance of
32 which requires further evaluation.

33 (c) The State Geologist shall require the petitioner to pay the
34 reasonable costs of classifying an area for which classification has
35 been requested by the petitioner.

36 (d) The State Geologist shall transmit the information to the
37 board for incorporation into the state policy and for transmittal to
38 lead agencies.

39 (e) The board shall transmit mineral resource information on
40 areas classified by the State Geologist pursuant to paragraph (2)

1 of subdivision (b), or on applicable areas designated by the board
2 pursuant to Section 2790, or both, to a lead agency or a
3 metropolitan planning organization within 30 days of receiving a
4 request for the mineral resource information identified within the
5 jurisdiction of the lead agency or the metropolitan planning
6 organization.

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